

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 4219 OF 2023  
IN  
SECOND APPEAL NO.439 OF 2019**

|                                     |                |
|-------------------------------------|----------------|
| Mahabubi Abbas Naikwadi & Ors.      | ...Applicants  |
| Versus                              |                |
| Shahajadbi Kamalso Kandekari & Ors. | ...Respondents |

Ms. Shalu Tanwar, i/b. Mr. Bhushan Walimbe, for the Applicants.

Mr. Nagesh Y. Chavan, for Respondent No.1.

**CORAM : MADHAV J. JAMDAR, J.  
DATED : 24<sup>th</sup> JULY 2023**

**P.C. :**

1. Heard Ms. Shalu Tanwar, learned counsel appearing for the Applicants and Mr. Nagesh Chavan, learned counsel appearing for Respondent No.1.
2. This Interim Application is taken out for bringing on record the legal heirs of deceased Appellant No.3. Deceased Appellant No.3 passed away on 27<sup>th</sup> July 2020 and the application has been filed on 25<sup>th</sup> November 2022. Due to COVID-19 pandemic, the Supreme

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Court has suspended the limitation period from 15<sup>th</sup> March 2020 till 28<sup>th</sup> February 2022, still there is delay in filing the application.

3. Mr. Nagesh Chavan, learned counsel appearing for Respondent No.1 strongly opposes the application.

4. However, for the reasons set out in the Interim Application, the same is allowed in terms of prayer clauses (a) and (b).

5. Amendment be carried out within a period of 14 days from today.

6. The Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]